

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,555	BOSMANS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Celia Chang	1625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/14/08.
2. ☒ The allowed claim(s) is/are 1-7, 10, 13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☒ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>attached</u> .</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input checked="" type="checkbox"/> Other <u>Amended claims</u>.</li> </ol> |
|--|--|

/Celia Chang/  
Primary Examiner, Art Unit 1625

### **DETAILED ACTION**

**1.** This application is a 371 of PCT/EP03/50239.

Applicant's election with traverse of group I in the reply filed on Aug. 14, 2008 is acknowledged. The traversal is on the ground that all (a-1) to (a-8) are cyclic ether which would not be a search burden.

According to the restriction for a species election, if the elected species is novel, additional searches to the extend necessary to determine patentability will be made.

The restriction between the products and method of use were clearly delineated that only those without 112 issues and having the same scope as the elected products will be rejoined. In the instant case, claim 13 is rejoined.

Claims 1-7, 10 and 13 are prosecuted. Claims 11-12 being drawn to the non-elected invention is withdrawn from consideration per 37 CFR 1.142(b).

**2.** ***Examiner's Amendment***

Authorization for this examiner's amendment was given in a telephone interview with Stephanie A. Barbosa on Nov. 4, 2008.

Claim **1.** p.3, lines 3-4, delete the term "sustituents each independently selected from"

Claim **11.** canceled.

Claim **12.** canceled.

Claim **13.** line 1 before the term "hypermotility" insert the term --gastrointestinal--.

**3.** ***Reason for Allowance***

The following is an examiner's statement of reasons for allowance:

The claims are drawn to a small group of compounds wherein the L moiety must contain a terminal phenyl substituted with 1-3 carboxylic acid moiety (hydroxycarbonyl). The closest prior art is found in the US 7,205,410 (national stage of WO00/37461) wherein structural close compounds are found as examples 79-80 (col. 39-40) wherein the terminal phenyl is substituted with a fluorine. No suggestion for modification of the

Art Unit: 1625

substituent to a free carboxyl group (see col. 2 lines 43-47). Claims 1-7, 10, and 13 are neither anticipated nor rendered obvious by the art of record are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang, Ph. D. whose telephone number is 571-272-0679. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet L. Andres, Ph. D., can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*OACS/Chang*  
*Nov. 5 2007*

*/Celia Chang/*  
*Primary Examiner*  
*Art Unit 1625*